

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**WAPP TECH LIMITED  
PARTNERSHIP and  
WAPP TECH CORP.,**

**Plaintiffs,**

**V.**

**JPMORGAN CHASE  
BANK, N.A.**

**Defendant.**

[illegible]

**Civil Action No. 4:23-cv-1137**

## JURY TRIAL DEMANDED

## WAPP'S ANSWER TO JPMC'S COUNTERCLAIMS

Wapp Tech Limited Partnership and Wapp Tech Corp. (“Wapp”) answers the counterclaims of Defendant JPMorgan Chase Bank, N.A. (“JPMC”) as follows. *See* Dkt. No. 14 (JPMC’s Answer to Wapp’s Complaint). Where possible, Wapp answers JPMC’s allegations using the same paragraph numbers that appear in the “JPMC’s Counterclaims” section of JPMC’s pleading. *See id.* at 23-31. All of JPMC’s allegations not expressly admitted in this Wapp pleading are denied.

## **JPMC'S COUNTERCLAIMS**

## PARTIES

1. Admitted.
2. Admitted.
3. Admitted.

## JURISDICTION AND VENUE

4. Paragraph 4 alleges legal conclusions to which no response is required.
5. Paragraph 5 alleges legal conclusions to which no response is required.
6. Admitted that Wapp has consented to personal jurisdiction in this Court.
7. Admitted that venue is proper in this district for the claims and counterclaims asserted in this litigation between these parties. Otherwise, denied.

#### **NATURE OF THE ACTION**

8. Paragraph 8 alleges legal conclusions to which no response is required.
9. Admitted that Wapp filed its Original Complaint on December 22, 2023 alleging that JPMC directly, indirectly, and willfully infringes the Patents-in-Suit. Admitted that JPMC denies those allegations. Otherwise, denied.
10. Admitted.
11. Paragraph 11 alleges legal conclusions to which no response is required.

#### **FIRST COUNTERCLAIM (Declaration of Non-Infringement of the '192 Patent)**

12. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.
13. Admitted.
14. Admitted that Wapp filed an infringement action in this Court to enforce the '192 Patent against JPMC. Admitted that JPMC denies infringement. Otherwise, denied.
15. Paragraph 15 alleges legal conclusions to which no response is required.
16. Paragraph 16 alleges legal conclusions to which no response is required.

17. Denied.

18. Denied.

**SECOND COUNTERCLAIM**  
**(Declaration of Non-Infringement of the '864 Patent)**

19. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

20. Admitted.

21. Admitted that Wapp filed an infringement action in this Court to enforce the '864 Patent against JPMC. Admitted that JPMC denies infringement. Otherwise, denied.

22. Paragraph 22 alleges legal conclusions to which no response is required.

23. Paragraph 23 alleges legal conclusions to which no response is required.

24. Denied.

25. Denied.

**THIRD COUNTERCLAIM**  
**(Declaration of Non-Infringement of the '678 Patent)**

26. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

27. Admitted.

28. Admitted that Wapp filed an infringement action in this Court to enforce the '678 Patent against JPMC. Admitted that JPMC denies infringement. Otherwise, denied.

29. Paragraph 29 alleges legal conclusions to which no response is required.

30. Paragraph 30 alleges legal conclusions to which no response is required.

31. Denied.

32. Denied.

**FOURTH COUNTERCLAIM**  
**(Declaration of Non-Infringement of the '811 Patent)**

33. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

34. Admitted.

35. Admitted that Wapp filed an infringement action in this Court to enforce the '811 Patent against JPMC. Admitted that JPMC denies infringement. Otherwise, denied.

36. Paragraph 36 alleges legal conclusions to which no response is required.

37. Paragraph 37 alleges legal conclusions to which no response is required.

38. Denied.

39. Denied.

**FIFTH COUNTERCLAIM**  
**(Declaration of Non-Infringement of the '579 Patent)**

40. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

41. Admitted.

42. Admitted that Wapp filed an infringement action in this Court to enforce the '579 Patent against JPMC. Admitted that JPMC denies infringement. Otherwise, denied.

43. Paragraph 43 alleges legal conclusions to which no response is required.

44. Paragraph 44 alleges legal conclusions to which no response is required.

45. Denied.

46. Denied.

**SIXTH COUNTERCLAIM**  
**(Declaration of Invalidity of the '192 Patent)**

47. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

48. Denied.

49. Paragraph 49 alleges legal conclusions to which no response is required.

50. Denied.

51. Denied.

**SEVENTH COUNTERCLAIM**  
**(Declaration of Invalidity of the '864 Patent)**

52. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

53. Denied.

54. Paragraph 54 alleges legal conclusions to which no response is required.

55. Denied.

56. Denied.

**EIGHTH COUNTERCLAIM**  
**(Declaration of Invalidity of the '678 Patent)**

57. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

58. Denied.

59. Paragraph 59 alleges legal conclusions to which no response is required.

60. Denied.

61. Denied.

**NINTH COUNTERCLAIM**  
**(Declaration of Invalidity of the '811 Patent)**

62. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

63. Denied.

64. Paragraph 64 alleges legal conclusions to which no response is required.

65. Denied.

66. Denied.

**TENTH COUNTERCLAIM**  
**(Declaration of Invalidity of the '579 Patent)**

67. Wapp incorporates by reference the preceding Paragraphs regarding JPMC's counterclaims as if fully set forth herein.

68. Denied.

69. Paragraph 69 alleges legal conclusions to which no response is required.

70. Denied.

71. Denied.

**JURY DEMAND**

JPMC's demand for a jury trial does not contain any factual allegations to which Wapp is required to respond. Wapp has demanded a jury trial for its claims against JPMC. *See* Dkt. No. 1 at ¶120. Wapp demands a jury trial on all issues raised in JPMC's counterclaims.

### **PRAYER FOR RELIEF**

Wapp opposes all relief requested by JPMC, and denies that JPMC is entitled to any of the relief set forth in JPMC's requested relief "A-F."

### **AFFIRMATIVE DEFENSE**

Wapp asserts the following affirmative defense to each of JPMC's counterclaims and reserves the right to amend its Answer as more information becomes available and additional defenses become apparent. Nothing in the affirmative defense is intended to alter or should be taken as an argument, admission, or waiver of argument regarding the burden of proof legally applicable to any of JPMC's counterclaims or Wapp's defense.

#### **FIRST DEFENSE (Failure to State a Claim)**

Each of JPMC's First through Tenth Counterclaims fails to state a claim upon which relief can be granted, including but not limited to its failure to meet the pleading standard in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). For example, each noninfringement affirmative defense (First through Fifth) fails to present any allegations about how or why JPMC allegedly does not infringe. Each invalidity affirmative defense (Sixth through Tenth) fails to plead the specific legal grounds of alleged invalidity and fails to allege facts that, if true, would render any claim of any patent invalid.

Dated: March 22, 2024

Respectfully submitted,

/s/ Leslie V. Payne

Leslie V. Payne

State Bar No. 0784736

lpayne@hpcllp.com

R. Allan Bullwinkel

State Bar No. 24064327

abullwinkel@hpcllp.com

Alden G. Harris

State Bar No. 24083138

aharris@hpcllp.com

Christopher L. Limbacher

State Bar No. 24102097

climbacher@hpcllp.com

HEIM PAYNE & CHORUSH, LLP

609 Main Street, Suite 3200

Houston, Texas 77002

Telephone: (713) 221-2000

Facsimile: (713) 221-2021

**ATTORNEYS FOR PLAINTIFFS WAPP  
TECH LIMITED PARTNERSHIP AND WAPP  
TECH CORP.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's CM-ECF system on March 22, 2024.

/s/ Leslie V. Payne

Leslie V. Payne